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Office of the General Counsel
Daniel A. Petalas
Acting General Counsel
Federal Election Commission
999 E. Street, NW
Washington, DC 20463

OFFICE OF GENERAL
COUNSEL

MUR # 7109

July 11, 2016

Re: Complaint Against Anthony Portantino and Anthony Portantino Congressional
Exploratory Committee

Dear Mr. Petalas,

I am filing this complaint to seek an immediate investigation into Anthony Portantino and the Anthony Portantino Congressional Exploratory Committee's unlawful comingling of state and federal funds and transferring them into his federal committee under the auspices of a "loan repayment" despite that his state committee disclosures list them merely as transfers or neglect to report them at all. As set forth more fully below:

Anthony Portantino, personally, and through agents of his campaign, transferred \$275,000 from his state committee, Anthony Portantino for Senate 2016, into his federal committee, Anthony Portantino Congressional Exploratory Committee." VIOLATION OF 11 CFR 110.3(d).

Anthony Portantino Congressional Exploratory Committee is a political committee under the Federal Election Campaign Act and the principal committee for Anthony Portantino's exploration of a congressional campaign.

Anthony Portantino for Senate 2016 is a candidate-controlled state committee under the regulatory jurisdiction of the California Fair Political Practices Commission and is Anthony Portantino's vehicle for his campaign for the state senate in California.


- 1) On June 30, 2015, Anthony Portantino transferred funds to Anthony Portantino for Senate 2016, from Anthony Portantino Congressional Exploratory Committee in the amount of \$275,000. Although his federal committee reports this transfer of funds as a "loan," his state committee reports it as a transfer of contributions without any indication that the funds being transferred were a loan. (See FEC quarterly report filed July 2015 and FPPC Form 460 filed July 2015.)
- 2) On February 4, 2016, Portantino for Senate 2016 transferred \$275,000 to Anthony Portantino Congressional Exploratory Committee. Although the federal committee reports this as a "loan repayment," his state committee does not report the transaction at all as required by the California Political Reform Act. (See FEC Quarterly Report filed April 2016 and FPPC Form 460 filed April 2016.)
- 3) This transfer of funds from state committee to federal committee is a violation of 11 CFR 110.3(d). The state and federal funds were co-mingled and transferred to the federal committee, which violates soft money restrictions. The federal committee disclosures list the transaction as a "loan," but this is not a true loan because it was not reported as such on the state committee's disclosures. The way in which the transaction was conducted creates the fairest perception of it as a transfer of funds, the transfer back of which violates the law, not as a loan. Indeed, the transaction was reported on each disclosure — state or federal — in the way that would most inflate the value of the committee's assets.

Anthony Portantino should not be allowed to mislead the public through his misrepresentations.

- 4) FEC Advisory Opinion 2002-08 makes clear that the reason behind the "no state to federal transfers" rule is to prevent funds raised outside of federal source and amount limits from being transferred to a candidate's federal committee. In the instant matter, although funds were raised originally under the federal limits and source prohibitions, Anthony Portantino has not segregated the funds. In Advisory Opinion 1980-130, in which the Commission approved of a transfer back of federal funds, the state committee had maintained a separate bank account and took steps to ensure that the state and federal funds were separate. By contrast, Anthony Portantino has not maintained a separate account for the federal funds and has not shown that the funds raised under limits and source prohibitions were not comingled. Thus, the transfer back violates 11 CFR 110.3(d).

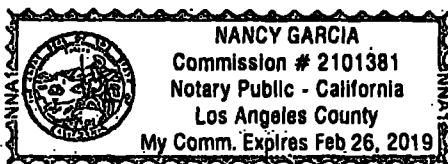
I request that the Federal Election Commission take all actions necessary and appropriate to prohibit the violation of the soft-money prohibitions of the FECA and to punish such violations to the full extent of the law.

Sincerely,



Ramon Miramontes

Pasadena, California 91103



Sworn to the truth of the allegations made herein on personal information or based on
information and belief this 18 day of July, 2016 in La Canada - Flintridge California.

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

 Signature of Document Signer No. 1

 Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

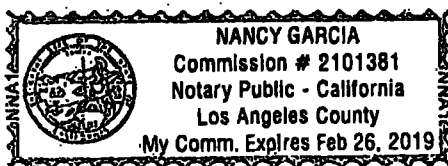
Subscribed and sworn to (or affirmed) before me

on this 18th day of JULY, 2016
 by _____
 Date Month Year

(1) Ramon Miramontes

(and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Signature _____
 Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

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Title or Type of Document: _____ Document Date: _____

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